

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JORDAN SIMON HALL,

Plaintiff,

Case No. 14-cv-13767

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

CAROLYN W COLVIN, Commissioner of
Social Security,

Defendant.

/

ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, AFFIRMING DECISION OF THE ADMINISTRATIVE LAW JUDGE, AND DISMISSING PLAINTIFF'S COMPLAINT WITH PREJUDICE

On September 30, 2014, Plaintiff Jordan Simon Hall filed a Complaint appealing the determination by the Social Security Administration that he was not entitled to benefits. Compl., ECF No. 1. On May 31, 2015, Hall filed a motion for summary judgment seeking a determination that the Administrative Law Judge ("ALJ") who found he was not disabled erred in that conclusion. Pl.'s Mot. Summ. J., ECF No. 13. Defendant, the Commissioner of the Social Security Administration, Carolyn Colvin, also filed a motion for summary judgment seeking affirmation of the ALJ's determination. Def.'s Mot. Summ. J., ECF No. 14. All pretrial matters in this case were referred to Magistrate Judge R. Steven Whalen for determination of all non-dispositive motions and issuance of a Report and Recommendation. ECF No. 2. On January 13, 2015, the case was reassigned to Magistrate Judge Anthony P. Patti. ECF No. 9.

On December 4, 2015, Judge Patti issued a Report recommending that Hall's motion for summary judgment be denied, the Commissioner's motion for summary judgment be granted,

and that the decision of the ALJ be affirmed. Rep. & Rec., ECF No. 15. Judge Patti addressed Hall's sole claim: that the ALJ did not properly evaluate Hall's treating physician's professional opinion. Judge Patti concluded that Hall's contention was unfounded and that the ALJ did indeed rely on many of Hall's physician's conclusions. Judge Patti further concluded that Hall's argument that his physician's opinion was not properly weighted was meritless. The ALJ, according to Judge Patti, adequately explained why he was disagreeing with Hall's physician's opinion. Judge Patti recommended affirming the ALJ's denial of benefits.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 15, is **ADOPTED**.

It is further **ORDERED** that Plaintiff Hall's Motion for Summary Judgment, ECF No. 13, is **DENIED**.

It is further **ORDERED** that Defendant Carolyn Colvin's Motion for Summary Judgment, ECF No. 14, is **GRANTED**.

It is further **ORDERED** that the decision of the Administrative Law Judge is **AFFIRMED**.

It is further **ORDERED** that Plaintiff Hall's Complaint, ECF No. 1, is **DISMISSED with prejudice**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 8, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 8, 2016.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager